

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 JASON JEROME HARRIS,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.

CASE NO. C16-5241-RBL

ORDER DENYING DEFENDANT'S
MOTION TO TRANSPORT

DKT. #20

14 THIS MATTER is before the Court on Defendant Harris's Motion to Transport and to
15 Set a Briefing Schedule [Dkt. #20]. Harris moved to vacate his 15-year prison sentence for being
16 a felon-in-possession and an armed career criminal under 28 U.S.C. § 2255. The Court deferred
17 consideration of his motion until the Supreme Court decides *Mathis v. United States*, No. 15-
18 6092. Harris asks the Court to order the government to submit its *Mathis* briefing within 10 days
19 of the Supreme Court's decision and to order the U.S. Marshals Service to transport him to this
20 district for an expedited hearing. The government asks for 14 days and argues Harris's
21 transportation request is premature, because until *Mathis* is decided, the Court cannot assess
22 what type of hearing it will hold and whether Harris has a right to be present.

1 The Court declines to put the cart before the horse. The *Mathis* decision will elucidate
2 what type of hearing the Court will schedule. Within 14 days of the Supreme Court's decision,
3 the government shall submit any briefing. Harris shall have an additional 14 days to respond.
4 Once fully briefed on *Mathis*, the Court will set an expedited hearing, and Harris may re-request
5 transportation at that time.

6 IT IS SO ORDERED.

7 Dated this 9th day of June, 2016.

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10 Ronald B. Leighton
11 United States District Judge

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